

## REMARKS

Claims 1, 25 and 45 have been amended. Claims 1-64 are pending in the application. Reconsideration is respectfully requested in light of the following remarks.

During a telephone interview on October 5, 2006 between Examiner Joo and Applicants' undersigned attorney, the Examiner agreed that the above amendments would overcome the 35 U.S.C. § 102(e) of the independent claims based on Davis et al. (U.S. Patent 6,105,064) as stated in the Final Action mailed July 6, 2006. Applicants note that the prior art, such as Davis, expressly teaches that one of the primary purposes of a network transport protocol is to perform message acknowledgement and retransmission of unacknowledged messages. Accordingly, one of ordinary skill in the art would have no reason to perform such functionality in a peer-to-peer platform protocol separately from the network transport protocol. In fact, it would be counter to the intended purposed of the prior art, and thus not obvious, to perform such functions at the peer-to-peer protocol layer separately from the transport protocol layer. *See, In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). Applicants assert that the application is in condition for allowance.

## CONCLUSION

Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-07400/RCK.

Also enclosed herewith are the following items:

- ☒ Return Receipt Postcard
- ☐ Petition for Extension of Time
- ☐ Notice of Change of Address
- ☒ Request for Continued Examination

Respectfully submitted,



Robert C. Kowert  
Reg. No. 39,255  
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.  
P.O. Box 398  
Austin, TX 78767-0398  
Phone: (512) 853-8850

Date: October 6, 2006